

## UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina



Shawn Patrick Ellis

Plaintiff/Petitioner

v.

Civil Action No. 1:22CV573

Cabarrus County Sheriff's Office

Defendant/Respondent

Kevin Klinglesmith, Joshua Helms, David Riley

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS  
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. If incarcerated. I am being held at: \_\_\_\_\_

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. If not incarcerated. If I am employed, my employer's name and address are:

Unemployed

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per  
(specify pay period) \_\_\_\_\_

3. Other Income. In the past 12 months, I have received income from the following sources (check all that apply):

- |  |                              |  |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances                         | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

In 2018, I was found indigent by the North Carolina Court of Appeals in regards to this same case. My situation has not changed. Please see enclosed order.

4. Amount of money that I have in cash or in a checking or savings account: \$ 0.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

No

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

Home Loan \$569.03 /mo

Utilities \$150.00 /mo

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

No

**Declaration:** I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 07-20-2022

Shawn Patrick Ellis

Applicant's signature

Shawn Patrick Ellis

Printed name

Print

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## North Carolina Court of Appeals

Fax: (919) 831-3615  
Web: <https://www.nccourts.gov>

DANIEL M. HORNE JR., Clerk  
Court of Appeals Building  
One West Morgan Street  
Raleigh, NC 27601  
(919) 831-3600

Mailing Address:  
P. O. Box 2779  
Raleigh, NC 27602

No. P18-493

STATE OF NORTH CAROLINA

V.

SHAWN PATRICK ELLIS

From Cabarrus  
( 15-CRS-54222-23 )

### ORDER

The following order was entered:

The petition for writ of certiorari filed in this cause by defendant on 19 July 2018 is allowed as follows: It appearing the trial court erred in concluding that defendant is not indigent for the purpose of his appeal from the judgment entered in the above file numbers on 14 June 2018, this cause is remanded to the trial court for entry of an order: (1) allowing defendant to proceed as an indigent in his appeal; (2) appointing the Office of the Appellate Defender to represent defendant on appeal; and (3) ordering the production of a copy of the transcript at State expense. Defendant's appeal bond shall remain unchanged. The appeal shall be deemed taken as of the date of the trial court's order appointing counsel for defendant. The record on appeal shall thereafter be settled as provided by N.C.R. App. P. 11 and shall be filed in this Court as provided by N.C.R. App. P. 12.

A copy of this order shall be mailed to the Senior Resident Superior Court Judge and District Attorney of Judicial District 19A and to Appellate Defender Glenn Gerding.

By order of the Court this the 3rd of August 2018.

The above order is therefore certified to the Clerk of the Superior Court, Cabarrus County.

WITNESS my hand and the seal of the North Carolina Court of Appeals, this the 3rd day of August 2018.

Daniel M. Horne Jr.  
Clerk, North Carolina Court of Appeals

Copy to:  
Mr. G. Glenn Gerding, Attorney at Law, For Shawn Patrick Ellis  
Mr. Daniel P. O'Brien, Special Deputy Attorney General, For State of North Carolina  
Ms. Jennifer Taylor

Ms. Kimberly N. Callahan, Assistant Attorney General  
Hon. William W. Baggs, Clerk of Superior Court  
Hon. Martin B. McGee, Senior Resident Superior Court Judge  
Ms. Roxann L. Vaneekhoven, District Attorney of Judicial District  
Mr. Glenn Gerding, Appellate Defender